P.R. No. 34696
Presented by Shri Sanjay V Mishra
dated 10/7/06

SINGLE BENCH 2006 4

C.S. 1001

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 340/ OF 2006

PETITIONER

Amar Lal Sahu, S/o Late Chhote Lal Sahu, Aged about 39 years, Occupation – Assistant Teacher, Government Boys Higher Secondary School Pandariya, **District KABIRDHAM (C.G.)**

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V E R S U S

RESPONDENTS

1. State of Chhattisgarh, through: The Secretary, Education Department, DKS Bhawan Raipur (C.G.)
2. The District Education Officer, Kabirdham, District Kabirdham C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

MAY THIS PLEASE TO YOUR LORDSHIP,

The humble petition of the

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.3401/06 सन् 200

..... विरुद्ध .....

आदेश का क्रमांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	12.07.2006. Mr. Sanjeev Kumar Mishra, counsel for the petitioner. Mr. Sumesh Bajaj, G.A. for the State/respondents, on advance copy. Heard. By this writ petition under Articles 226/227 of the Constitution of India, the petitioner has questioned the legality and propriety of the transfer order dated 29/30.06.2006 whereby he has been declared surplus from the existing school at Devsara and he has been adjusted in middle school Taragaon Jungle (Bodla). The main grievance of the petitioner is that as per policy Clause (3) the Junior most teacher was to be shifted from the existing school. The second challenge is that in the Middle School, Taragaon Jungle (Bodla) the strength of teachers are according to the policy. Therefore, if the petitioner is allowed to join at the transferred place, then there will be surplus teachers. The policy Clause (7) provides for appeal. Therefore, the petitioner ought to have preferred an appeal under Clause(7) of the policy as the petitioner has not availed of alternative efficacious remedy. Therefore, petitioner ought to have availed that remedy before filing this petition. The petition stands disposed of. Consequently, M. (W.).P. No.2612/2006 also stand disposed of. Sd/- L.C. Bhadoo	

Brajesh

12/7/06